



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
South Central Region

San Juan Office
US Federal Building Room 762
San Juan, PR 00918-1731
787-766-5568

March 13th, 2012

Via Certified Mail:

The WIFI Store
#240 Carretera 865
Bo. Capanilla
Toa Baja, PR 00949

**NOTICE OF UNLICENSED OPERATION AND
NOTIFICATION OF HARMFUL INTERFERENCE**

Case Number: EB-FIELDSCR-12-00001097
Document Number: W2012326832680001

On March 5, 2012, in response to information provided by the Federal Aviation Administration (FAA) that the Terminal Doppler Weather Radar (TDWR) that serves the San Juan International Airport had been receiving interference on or adjacent to 5.61 GHz, the FCC's San Juan Office of the Enforcement Bureau (San Juan Office) conducted an investigation in the Capanillas Ward in the municipality of Toa Baja, Puerto Rico. An agent from this Office confirmed by direction finding techniques that radio emissions centered on frequency 5.620 GHz were emanating from the building's roof located at #240 on Carretera 865, the location of one of your Unlicensed National Information Infrastructure (U-NII) Ubiquiti devices, model Rocket M5 with FCC ID SWX-M5 (Ubiquiti Rocket M5). On March 6, 2012, an agent from the San Juan Office contacted you and informed you of the interference problem. When the center frequency of your U-NII device was moved off of 5620 MHz and out of the TDWR operational band, the interference to the TDWR ceased.

Radio stations must be licensed by the FCC pursuant to 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level or mode of operation that complies with the standards established in Part 15 of the Commission's rules. Non-licensed operation pursuant to Part 15 of the FCC's rules, however, is conditioned upon compliance with all applicable regulations in the subpart, 47 C.F.R. § 15.1(b). All intentional radiators operating pursuant to Part 15 of the FCC's rules must be certified for use as a Part 15 device, 47 C.F.R. § 15.201(b).

The Ubiquiti Rocket M5 device is not authorized for use on frequency 5.620 GHz.¹ Accordingly, your operation of the Ubiquiti Rocket M5 device on frequency 5.620 GHz does not comply with the requirements of Part 15 of the FCC's rules and should therefore be licensed by the FCC. The FCC has no record of a license being issued to you to operate a transmitter on 5.620 GHz from #240 on Carretera 865. Thus, your operation was in violation of 47 U.S.C. § 301.

¹ According to its equipment authorization, FCC ID SWX-M5, the Ubiquiti Rocket M5 device is authorized pursuant to Section 15.247 of the FCC's Rules to operate only in the 5745 to 5825 MHz band. See 47 C.F.R. § 15.247.

Non-licensed operation of a U-NII device is also subject to the condition that it must not cause harmful interference and, if harmful interference occurs, operation of the device must cease. *See* 47 C.F.R. §§ 15.5(c), 15.405. Harmful interference is defined as “[a]ny emission, radiation or induction that endangers the functioning of a radio navigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radio communications service.” 47 C.F.R. § 15.3(m).

You are hereby notified that your Ubiquiti Rocket M5 device operating on 5.620 MHz was causing harmful interference to the TDWR at the San Juan International Airport and that your operation of this device must not resume, until the interference can be resolved. You are also hereby warned that operation of radio transmitting equipment without a valid radio station authorization, including non-certified equipment or modified equipment which voids the certification, and/or operation of otherwise authorized equipment that continues to cause harmful interference after your receipt of this warning, constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (*see* 47 U.S.C. §§ 401, 501, 503 and 510).

**UNLICENSED OPERATION ON FREQUENCY 5.620 GHZ MUST NOT RESUME.
NONLICENSED OPERATION OF A U-NII DEVICE MAY NOT RESUME UNLESS YOU ARE
IN FULL COMPLIANCE WITH PART 15 OF THE FCC’S RULES AND UNTIL YOU RESOLVE
THE HARMFUL INTERFERENCE.**

You have ten (10) days from the date of this notice to respond with any evidence that your transmitter is not the source of the interference to the TDWR. Your response should describe the steps you are planning to take to eliminate future interference to the TDWR of the San Juan International Airport. Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission’s staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Reuben Jusino
Resident Agent
San Juan Office

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", July 2003